

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
DENNIS L. MONTGOMERY,

Plaintiff,

v.

SIMON & SCHUSTER,

and

PRISCILLA PAINTON,

and

TINA BENNETT,

Defendants.  
----- x

No. 1:15-mc-00363-P1

ECF Case

**DECLARATION OF  
KEVIN H. MARINO**

KEVIN H. MARINO, of full age, hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the law firm Marino, Tortorella & Boyle, P.C., attorneys for Non-Party Tina Bennett (“Bennett”) in this matter. I am fully familiar with the facts of this case and make this Declaration in support of Bennett’s opposition to the motion of Plaintiff, Dennis L. Montgomery (“Montgomery”), to compel her to comply with a subpoena to take her deposition via videoconference (the “Subpoena”), and in support of her cross-motion to quash or modify the Subpoena.

2. Attached as Exhibit A is a true and correct copy of a printout of the docket (as of November 21, 2015) in the case entitled Montgomery v. Risen, et al., case no. 1:15-cv-20782-JEM, pending in the United States District Court for the Southern District of Florida.

3. Attached as Exhibit B is a true and correct copy a December 18, 2013 article entitled “With IMG Deal, WME Surpasses CAA in Size — But at What Cost?,” from [www.thewrap.com](http://www.thewrap.com).

I certify under penalty of perjury, pursuant to 28 U.S.C. § 1746(2), that the foregoing is true and correct.

Dated: November 23, 2015

/s/ Kevin H. Marino

Kevin H. Marino

MARINO, TORTORELLA & BOYLE, P.C.

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*Attorneys for Non-Party Tina Bennett*

A

JG,MEDREQ,REF\_DISCOV

**U.S. District Court  
Southern District of Florida (Miami)  
CIVIL DOCKET FOR CASE #: 1:15-cv-20782-JEM**

Montgomery v. Risen et al  
Assigned to: Judge Jose E. Martinez  
Referred to: Magistrate Judge Jonathan Goodman  
Cause: 28:1332 Diversity

Date Filed: 02/24/2015  
Jury Demand: Plaintiff  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity

**Plaintiff****Dennis L. Montgomery**

represented by **Larry Elliot Klayman**  
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V.

**Defendant****James Risen**

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**Defendant**

**Houghton Mifflin Harcourt  
Publishing Company**

represented by **Laura R. Handman**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Micah J. Ratner**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*  
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**Sanford Lewis Bohrer**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Brian W. Toth**  
(See above for address)  
*PRO HAC VICE*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**HMH Holdings, Inc.**

represented by **Laura R. Handman**  
(See above for address)  
*LEAD ATTORNEY*  
*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

**Micah J. Ratner**

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**Brian W. Toth**

(See above for address)

*PRO HAC VICE*

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
02/24/2015	<a href="#"><u>1</u></a>	COMPLAINT against All Defendants. Filing fees \$ 400.00 receipt number 113C-7502428, filed by DENNIS L. MONTGOMERY. (Attachments: # <a href="#"><u>1</u></a> Civil Cover Sheet, # <a href="#"><u>2</u></a> Summon(s), # <a href="#"><u>3</u></a> Summon(s), # <a href="#"><u>4</u></a> Summon(s))(Klayman, Larry) (Entered: 02/24/2015)
02/24/2015	2	Judge Assignment to Judge Cecilia M. Altonaga (vjk) (Entered: 02/25/2015)
02/24/2015	<a href="#"><u>3</u></a>	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge John J. O'Sullivan is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (vjk) (Entered: 02/25/2015)
02/25/2015	<a href="#"><u>4</u></a>	Summons Issued as to HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (vjk) (Entered: 02/25/2015)
03/09/2015	<a href="#"><u>5</u></a>	NOTICE by DENNIS L. MONTGOMERY of <i>Waiver</i> (Klayman, Larry) (Entered: 03/09/2015)
03/09/2015	<a href="#"><u>6</u></a>	ORDER OF RECUSAL. Judge Cecilia M. Altonaga recused. Case reassigned to Judge Jose E. Martinez for all further proceedings. Signed by Judge Cecilia M. Altonaga on 3/9/2015. (tpe) (Entered: 03/09/2015)
03/17/2015	<a href="#"><u>7</u></a>	Defendant's MOTION for Extension of Time to File Response/Reply/Answer as to <a href="#"><u>1</u></a> Complaint by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Attorney Sanford Lewis Bohrer added to party HMH HOLDINGS, INC.(pty:dft), Attorney Sanford Lewis Bohrer added to party HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY(pty:dft), Attorney Sanford Lewis Bohrer added to party JAMES RISEN(pty:dft). (Bohrer, Sanford) (Entered: 03/17/2015)

03/17/2015	8	PAPERLESS ORDER granting <a href="#">7</a> Defendants' Motion for Extension of Time to Respond to the Complaint. Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and HMH Holdings, Inc. shall have up to and including April 9, 2015 to file their response(s) to Plaintiff's Complaint. This Order shall affect no other deadlines. Signed by Judge Jose E. Martinez on 3/17/2015. (jht) (Entered: 03/17/2015)
03/24/2015	<a href="#">9</a>	EMERGENCY MOTION for Status Conference by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1)(Klayman, Larry) Modified text on 3/25/2015 (yha). (Entered: 03/24/2015)
03/25/2015	10	Clerks Notice to Filer re <a href="#">9</a> MOTION for Status Conference . <b>Emergency Document Filed Electronically</b> ; ERROR - Emergency matters may not be filed electronically, they must be filed in the conventional paper format in the division where the judge is chambered. The Clerk contacted Chambers and corrected the docket text to indicate the document is an emergency matter. It is not necessary to refile this document but future filings must comply with the CM/ECF Administrative Procedures and Local Rules. (yha) (Entered: 03/25/2015)
03/25/2015	11	PAPERLESS ORDER granting <a href="#">9</a> "Emergency" Plaintiff's Motion for Status Conference. While the Court grants Plaintiff Dennis Montgomery's "Emergency" motion, it must point out that Plaintiff's motion is procedurally defective for failure to comply with the local rules of this district. Local Rule 7.1(e), which governs emergency motions, requires a party filing an emergency motion to also submit the form entitled "Certification of Emergency," available on the court's website, therewith. Plaintiff's counsel did not use the required form herein. The motion, therefore, violates the Local Rule on emergency motions. Additionally, the Local Rules require conventional filing of emergency motions. Plaintiff's counsel violated that requirement as well. Notwithstanding, given the information submitted in Plaintiff's motion, the Court will schedule a status conference via separate notice. Signed by Judge Jose E. Martinez on 3/25/2015. (jht) (Entered: 03/25/2015)
03/25/2015	<a href="#">12</a>	NOTICE of Hearing: Status Conference set for 4/2/2015 at 10:30 AM in Miami Division before Judge Jose E. Martinez, Re: Emergency Plaintiff's Motion for Status Conference <a href="#">9</a> . (wh) (Entered: 03/25/2015)
03/25/2015	<a href="#">13</a>	MOTION to Reset Emergency Status Conference re <a href="#">12</a> Notice of Hearing by DENNIS L. MONTGOMERY. (Klayman, Larry) (Entered: 03/25/2015)
03/25/2015	<a href="#">14</a>	SUPPLEMENT to <a href="#">13</a> MOTION to Reset Emergency Status Conference re <a href="#">12</a> Notice of Hearing by DENNIS L. MONTGOMERY (Klayman, Larry) (Entered: 03/25/2015)
03/30/2015	15	PAPERLESS ORDER granting <a href="#">13</a> Plaintiff's Motion to Reset Emergency Status Conference. It is noticed that the status conference previously scheduled to take place on Thursday, April 2, 2015 at 10:30 a.m. is cancelled. The status conference is rescheduled to take place on Tuesday, April 14, 2015 at 10:30 a.m. before United States District Judge Jose E. Martinez, at the United States Courthouse, 400 N. Miami Ave., Miami, Florida 33128. Counsel shall be prepared to address the issues raised in Emergency Plaintiff's Motion for Status

		Conference [ECF No. 9], filed on March 24, 2015. This hearing shall not exceed thirty (30) minutes. The parties shall confer prior to the hearing to determine how to split the allotted time. If the parties are unable to agree on how to split the allotted time, the Court will decide how to split the allotted time. Signed by Judge Jose E. Martinez on 3/30/2015. (js01) (Entered: 03/30/2015)
03/30/2015		Set Hearings per 15 Order. Status Conference Re: Motions set for 4/14/2015 10:30 AM in Miami Division before Judge Jose E. Martinez. (asl) (Entered: 03/30/2015)
04/01/2015	<a href="#">16</a>	Order Requiring Joint Scheduling Report. Signed by Judge Jose E. Martinez on 4/1/2015. (dq) (Entered: 04/01/2015)
04/07/2015	<a href="#">17</a>	Unopposed MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Laura R. Handman. Filing Fee \$ 75.00. Receipt # 97839. (ksa) (Entered: 04/08/2015)
04/07/2015	<a href="#">18</a>	Unopposed MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Micah J. Ratner. Filing Fee \$ 75.00. Receipt # 97840. (ksa) (Entered: 04/08/2015)
04/08/2015	<a href="#">19</a>	Unopposed MOTION for Leave to File Excess Pages by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Attorney Brian W. Toth added to party HMH HOLDINGS, INC.(pty:dft), Attorney Brian W. Toth added to party HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY(pty:dft), Attorney Brian W. Toth added to party JAMES RISEN(pty:dft). (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 04/08/2015)
04/08/2015	20	PAPERLESS ORDER granting <a href="#">19</a> Defendants' Unopposed Motion to Exceed Page Limitation for Their Response to the Complaint. Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company ("Defendants") may exceed the page limitation set forth in Local Rule 7.1(c)(2) by ten pages. Plaintiff Dennis Montgomery's memorandum of law in opposition to Defendants' response to the complaint may also exceed the page limitation set forth in Local Rule 7.1(c)(2) by ten pages. This Order shall affect no other page limitations in this matter. Signed by Judge Jose E. Martinez on 4/8/2015. (jht) (Entered: 04/08/2015)
04/09/2015	<a href="#">21</a>	Consent MOTION for Extension of Time to Meet In Person to Discuss Joint Scheduling Report re <a href="#">16</a> Order Requiring Joint Scheduling Report by DENNIS L. MONTGOMERY. Responses due by 4/27/2015 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 04/09/2015)
04/09/2015	<a href="#">22</a>	NOTICE by DENNIS L. MONTGOMERY re 15 Order on Motion for Miscellaneous Relief,, <i>of Agreement of Allotment of Time For Status Conference of April 14, 2015</i> (Klayman, Larry) (Entered: 04/09/2015)
04/09/2015	23	PAPERLESS ORDER granting <a href="#">21</a> Plaintiff's Consent Motion for Extension of Time to Meet in Person to Discuss Joint Scheduling Report. The parties may have an additional five (5) days, up to and including April 10, 2015, to meet in person to discuss the Joint Scheduling Report. This Order shall affect no other



		deadlines. Signed by Judge Jose E. Martinez on 4/9/2015. (jht) (Entered: 04/09/2015)
04/09/2015	<a href="#">24</a>	SUPPLEMENT to 23 Order on Motion for Extension of Time, <a href="#">21</a> Consent MOTION for Extension of Time to Meet In Person to Discuss Joint Scheduling Report re <a href="#">16</a> Order Requiring Joint Scheduling Report by DENNIS L. MONTGOMERY (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 04/09/2015)
04/09/2015	<a href="#">25</a>	MOTION to Dismiss for Lack of Jurisdiction <a href="#">1</a> Complaint ( Responses due by 4/27/2015), MOTION TO DISMISS <a href="#">1</a> Complaint FOR FAILURE TO STATE A CLAIM ( Responses due by 4/27/2015), MOTION to Change Venue by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Decl. Handman, # <a href="#">2</a> Exhibit 1, # <a href="#">3</a> Exhibit 2, # <a href="#">4</a> Exhibit 3, # <a href="#">5</a> Exhibit 4, # <a href="#">6</a> Exhibit 5, # <a href="#">7</a> Exhibit 6, # <a href="#">8</a> Exhibit 7, # <a href="#">9</a> Exhibit 8, # <a href="#">10</a> Exhibit 9, # <a href="#">11</a> Exhibit 10, # <a href="#">12</a> Exhibit 11, # <a href="#">13</a> Exhibit 12, # <a href="#">14</a> Exhibit 13, # <a href="#">15</a> Exhibit 14, # <a href="#">16</a> Exhibit 15, # <a href="#">17</a> Exhibit 16, # <a href="#">18</a> Exhibit 17, # <a href="#">19</a> Exhibit 18-1, # <a href="#">20</a> Exhibit 18-2, # <a href="#">21</a> Exhibit 18-3, # <a href="#">22</a> Exhibit 19, # <a href="#">23</a> Exhibit 20, # <a href="#">24</a> Decl. Risen)(Toth, Brian) (Entered: 04/09/2015)
04/09/2015	<a href="#">26</a>	MOTION to Dismiss <a href="#">1</a> Complaint <i>Under the D.C. Anti-SLAPP Statute</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 4/27/2015 (Toth, Brian) (Entered: 04/09/2015)
04/09/2015	<a href="#">27</a>	ORDER granting <a href="#">18</a> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Jose E. Martinez on 4/9/2015. (yha) (Entered: 04/10/2015)
04/09/2015	<a href="#">28</a>	ORDER granting <a href="#">17</a> Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing. Signed by Judge Jose E. Martinez on 4/9/2015. (yha) (Entered: 04/10/2015)
04/13/2015	<a href="#">29</a>	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re <a href="#">9</a> MOTION for Status Conference <i>Notice of Position</i> (Toth, Brian) (Entered: 04/13/2015)
04/14/2015	<a href="#">30</a>	Minute Entry for proceedings held before Judge Jose E. Martinez: Status Conference held on 4/14/2015. Court Reporter: Dawn Whitmarsh, 305-523-5598 / Dawn_Whitmarsh@flsd.uscourts.gov (wh) (Entered: 04/14/2015)
04/16/2015	<a href="#">31</a>	Certificate of Interested Parties/Corporate Disclosure Statement by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN identifying Corporate Parent Houghton Mifflin Harcourt Publishers Inc. for HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY (Toth, Brian) (Entered: 04/16/2015)
04/16/2015	<a href="#">32</a>	Certificate of Interested Parties by DENNIS L. MONTGOMERY (Klayman, Larry) (Entered: 04/16/2015)
04/23/2015	<a href="#">33</a>	NOTICE by DENNIS L. MONTGOMERY <i>Praecipe Concerning Initial Disclosures</i> (Klayman, Larry) (Entered: 04/23/2015)

04/23/2015	<a href="#">34</a>	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re <a href="#">33</a> Notice (Other) (Attachments: # <a href="#">1</a> Exhibit A) (Toth, Brian) (Entered: 04/23/2015)
04/23/2015	<a href="#">35</a>	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN <i>of Serving Declaration of Michael F. Kane</i> (Attachments: # <a href="#">1</a> Exhibit A -- Decl. Kane) (Toth, Brian) (Entered: 04/23/2015)
04/24/2015	<a href="#">36</a>	TRANSCRIPT of status conference held on 4-14-2015 before Judge Jose E. Martinez, 1-21 pages, Court Reporter: Dawn Whitmarsh, 305-523-5598 / Dawn_Whitmarsh@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/18/2015. Redacted Transcript Deadline set for 5/29/2015. Release of Transcript Restriction set for 7/27/2015. (dwh) (Entered: 04/24/2015)
04/24/2015	<a href="#">37</a>	Notice of Supplemental Authority re <a href="#">26</a> MOTION to Dismiss <a href="#">1</a> Complaint <i>Under the D.C. Anti-SLAPP Statute</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # <a href="#">1</a> Exhibit 1 -- Abbas v. Foreign Policy Grp., LLC No. 13-7171 (D.C. Cir. Apr. 24, 2015)) (Toth, Brian) (Entered: 04/24/2015)
04/27/2015	<a href="#">38</a>	MOTION to Amend/Correct <a href="#">1</a> Complaint by DENNIS L. MONTGOMERY. Responses due by 5/14/2015 (Attachments: # <a href="#">1</a> Exhibit Amended Complaint, # <a href="#">2</a> Text of Proposed Order)(Klayman, Larry) (Entered: 04/27/2015)
04/27/2015	<a href="#">39</a>	RESPONSE in Opposition re <a href="#">26</a> MOTION to Dismiss <a href="#">1</a> Complaint <i>Under the D.C. Anti-SLAPP Statute</i> filed by DENNIS L. MONTGOMERY. Replies due by 5/7/2015. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Klayman, Larry) (Entered: 04/27/2015)
04/27/2015	<a href="#">40</a>	RESPONSE in Opposition re <a href="#">25</a> MOTION to Dismiss for Lack of Jurisdiction <a href="#">1</a> Complaint MOTION TO DISMISS <a href="#">1</a> Complaint FOR FAILURE TO STATE A CLAIM MOTION to Change Venue filed by DENNIS L. MONTGOMERY. Replies due by 5/7/2015. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I, # <a href="#">10</a> Exhibit J, # <a href="#">11</a> Exhibit K, # <a href="#">12</a> Exhibit L) (Klayman, Larry) (Entered: 04/27/2015)
04/28/2015	41	PAPERLESS ORDER granting <a href="#">38</a> Motion to Amend the Complaint. Plaintiff Dennis Montgomery shall re-file his Amended Complaint as a separate docket entry on or before April 30, 2015. Signed by Judge Jose E. Martinez on 4/28/2015. (jht) (Entered: 04/28/2015)
04/28/2015	42	PAPERLESS ORDER denying as moot <a href="#">25</a> Motion to Dismiss for Lack of Jurisdiction; denying as moot <a href="#">25</a> Motion to Dismiss for Failure to State a Claim; denying as moot <a href="#">25</a> Motion to Change Venue. Signed by Judge Jose E. Martinez on 4/28/2015. (jht) (Entered: 04/28/2015)
04/28/2015	43	PAPERLESS ORDER denying as moot <a href="#">26</a> Motion to Dismiss. Signed by Judge Jose E. Martinez on 4/28/2015. (jht) (Entered: 04/28/2015)

04/28/2015		Set Deadlines per 41 Order. Amended Pleadings due by 4/30/2015. (asl) (Entered: 04/28/2015)
04/28/2015	<a href="#">44</a>	AMENDED COMPLAINT against All Defendants filed in response to Order Granting Motion for Leave, filed by DENNIS L. MONTGOMERY.(Klayman, Larry) (Entered: 04/28/2015)
04/28/2015	<a href="#">45</a>	MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Text of Proposed Order)(Klayman, Larry) (Entered: 04/28/2015)
04/29/2015	<a href="#">46</a>	ORDER REFERRING <a href="#">45</a> MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> filed by DENNIS L. MONTGOMERY Motions referred to Judge Jonathan Goodman Signed by Judge Jose E. Martinez on 4/29/2015. (yha) (Entered: 04/30/2015)
05/01/2015	<a href="#">47</a>	SCHEDULING REPORT - <b>Rule 16.1</b> by DENNIS L. MONTGOMERY (Attachments: # <a href="#">1</a> Exhibit Attachment A, # <a href="#">2</a> Exhibit Attachment D)(Klayman, Larry) (Entered: 05/01/2015)
05/05/2015	<a href="#">48</a>	ORDER SETTING CIVIL TRIAL DATE AND PRETRIAL SCHEDULE,REQUIRING MEDIATION, REFERRING CERTAIN MOTIONS TO MAGISTRATE JUDGE: Amended Pleadings due by 7/23/2015., Discovery due by 9/16/2015., Expert Discovery due by 9/16/2015., Joinder of Parties due by 7/23/2015., Mediation Deadline 9/11/2015., Dispositive Motions due by 9/21/2015., In Limine Motions due by 11/2/2015., Pretrial Stipulation due by 11/10/2015., Calendar Call set for 11/25/2015 at 1:30 PM in Miami Division before Judge Jose E. Martinez., Trial set for 11/30/2015 in Miami Division before Judge Jose E. Martinez Signed by Judge Jose E. Martinez on 5/4/2015. (ail) (Entered: 05/05/2015)
05/08/2015	<a href="#">49</a>	Unopposed MOTION for Leave to File Excess Pages <i>to Respond to the Amended Complaint</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 05/08/2015)
05/08/2015	50	PAPERLESS ORDER granting <a href="#">49</a> Defendants' Unopposed Motion to Exceed Page Limitation for Their Response to the Amended Complaint. Defendants James Risen, Houghton Mifflin Harcourt Publishing Company, and Houghton Mifflin Harcourt Company may exceed the page limitation by 20 pages for their response to the amended complaint. In accordance with SDFL Local Rule (c)(2), title pages preceding the first page of text, signature pages, certificates of good faith conferences, and certificates of service shall not be counted as pages toward the 40-page limit. Signed by Judge Jose E. Martinez on 5/8/2015. (jht) (Entered: 05/08/2015)
05/15/2015	<a href="#">51</a>	RESPONSE in Opposition re <a href="#">45</a> MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Replies due by

		5/26/2015. (Attachments: # <a href="#">1</a> Exhibit A -- Defs.' Initial Disclosures)(Toth, Brian) (Entered: 05/15/2015)
05/15/2015	<a href="#">52</a>	MOTION to Dismiss for Lack of Jurisdiction <a href="#">44</a> Amended Complaint , MOTION to Change Venue ( Responses due by 6/1/2015), MOTION TO DISMISS <a href="#">44</a> Amended Complaint FOR FAILURE TO STATE A CLAIM ( Responses due by 6/1/2015) by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Decl. James Risen, # <a href="#">2</a> Decl. Laura Handman, # <a href="#">3</a> Exhibit 1, # <a href="#">4</a> Exhibit 2, # <a href="#">5</a> Exhibit 3, # <a href="#">6</a> Exhibit 4, # <a href="#">7</a> Exhibit 5, # <a href="#">8</a> Exhibit 6, # <a href="#">9</a> Exhibit 7, # <a href="#">10</a> Exhibit 8, # <a href="#">11</a> Exhibit 9, # <a href="#">12</a> Exhibit 10, # <a href="#">13</a> Exhibit 11, # <a href="#">14</a> Exhibit 12, # <a href="#">15</a> Exhibit 13, # <a href="#">16</a> Exhibit 14, # <a href="#">17</a> Exhibit 15, # <a href="#">18</a> Exhibit 16 (1 of 2), # <a href="#">19</a> Exhibit 16 (2 of 2), # <a href="#">20</a> Exhibit 17, # <a href="#">21</a> Exhibit 18, # <a href="#">22</a> Exhibit 19, # <a href="#">23</a> Exhibit 20, # <a href="#">24</a> Exhibit 21, # <a href="#">25</a> Exhibit 22, # <a href="#">26</a> Exhibit 23, # <a href="#">27</a> Exhibit 24, # <a href="#">28</a> Exhibit 25, # <a href="#">29</a> Exhibit 26, # <a href="#">30</a> Exhibit 27)(Toth, Brian) (Entered: 05/15/2015)
05/15/2015	<a href="#">53</a>	Renewed MOTION to Dismiss <a href="#">44</a> Amended Complaint <i>Under the Applicable Anti-SLAPP Statute</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 6/1/2015 (Toth, Brian) (Entered: 05/15/2015)
05/19/2015	<a href="#">54</a>	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN <i>Regarding Exhibit 18 to the Declaration of Laura Handman. ECF No. 52-2.</i> (Toth, Brian) (Entered: 05/19/2015)
05/19/2015	<a href="#">55</a>	MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 6/5/2015 (Toth, Brian) (Entered: 05/19/2015)
05/20/2015	<a href="#">56</a>	MOTION for Hearing re <a href="#">45</a> MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> , <a href="#">46</a> Order Referring Motion, by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 05/20/2015)
05/21/2015	57	ENDORSED ORDER granting <a href="#">56</a> Plaintiff's Motion for Hearing re <a href="#">45</a> Motion for Order to Show Cause. A Telephonic Hearing re the <a href="#">45</a> Motion for Order to Show Cause is set for 5/27/2015 at 02:00 PM in the Miami Division before Magistrate Judge Jonathan Goodman.  The parties shall abide by the following call-in procedure: Plaintiff's counsel will arrange and place the call in to Chambers at 305-523-5720 with all other counsel already on the line shortly before the hearing time. No cellular telephone use is permitted.  Signed by Magistrate Judge Jonathan Goodman on 5/21/2015. (tr00) (Entered: 05/21/2015)
05/26/2015	<a href="#">58</a>	

		REPLY to Response to Motion re <a href="#">45</a> MOTION for Order to Show Cause <i>For Defendants To Produce Documents Pursuant To The Courts Scheduling Order Of April 1, 2015</i> filed by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1)(Klayman, Larry) (Entered: 05/26/2015)
05/27/2015	59	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Miscellaneous Hearing held on 5/27/2015. (Digital 14:03:16.) (mso) (Entered: 05/27/2015)
05/28/2015	<a href="#">60</a>	ORDER on <a href="#">45</a> Plaintiff's Motion for Order to "Show Cause." Signed by Magistrate Judge Jonathan Goodman on 5/28/2015. (tr00) (Entered: 05/28/2015)
06/01/2015	<a href="#">61</a>	WITHDRAWAL of Motion by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re <a href="#">53</a> Renewed MOTION to Dismiss <a href="#">44</a> Amended Complaint <i>Under the Applicable Anti-SLAPP Statute</i> filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC. (Attachments: # <a href="#">1</a> Exhibit 1 -- Davis v. Cox)(Toth, Brian) (Entered: 06/01/2015)
06/01/2015	<a href="#">62</a>	MOTION for Leave to File Excess Pages by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 06/01/2015)
06/01/2015	<a href="#">63</a>	RESPONSE in Opposition re <a href="#">52</a> MOTION to Dismiss for Lack of Jurisdiction <a href="#">44</a> Amended Complaint MOTION to Change Venue MOTION TO DISMISS <a href="#">44</a> Amended Complaint FOR FAILURE TO STATE A CLAIM filed by DENNIS L. MONTGOMERY. Replies due by 6/11/2015. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H, # <a href="#">9</a> Exhibit I, # <a href="#">10</a> Exhibit J, # <a href="#">11</a> Exhibit K, # <a href="#">12</a> Exhibit L, # <a href="#">13</a> Exhibit M, # <a href="#">14</a> Exhibit N, # <a href="#">15</a> Exhibit O) (Klayman, Larry) (Entered: 06/01/2015)
06/02/2015	64	PAPERLESS ORDER granting <a href="#">62</a> Consent Motion for Leave to Exceed Page Limit. Plaintiff Dennis Montgomery's response to Defendants' Motion to Dismiss [ECF No. 52] may extend beyond the 20-page limit imposed by local rules by an additional ten (10) pages, for a total of 30 pages. Signed by Judge Jose E. Martinez on 6/2/2015. (jht) (Entered: 06/02/2015)
06/03/2015	<a href="#">65</a>	STRICKEN MOTION To Set Deposition Of Defendant James Risen For Week Of June 8, 2015 And Request For Telephonic Conference With The Magistrate Judge At Earliest Practicable Date And Time Prior To Week Of June 8, 2015 by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Text of Proposed Order)(Klayman, Larry) Modified to strike per 66 Order on 6/4/2015 (asl). (Entered: 06/03/2015)
06/03/2015	66	ENDORSED ORDER striking <a href="#">65</a> Plaintiff's Motion to Set Deposition of Defendant Risen for week of June 8. The motion violates the discovery procedures ordered in this case. [ECF No. 48]. Signed by Magistrate Judge Jonathan Goodman on 6/3/2015. (JG) (Entered: 06/03/2015)
06/04/2015	<a href="#">67</a>	



		TRANSCRIPT of Motion to Show Cause held on 5-27-2015 before Magistrate Judge Jonathan Goodman, 1-42 pages, Court Reporter: Gizella Baan-Proulx, 305-523-5294 / Gizella Baan-Proulx@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/29/2015. Redacted Transcript Deadline set for 7/9/2015. Release of Transcript Restriction set for 9/8/2015. (gbx) (Entered: 06/04/2015)
06/04/2015	<a href="#">68</a>	RESPONSE to Motion re <a href="#">55</a> MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> filed by DENNIS L. MONTGOMERY. Replies due by 6/15/2015. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Klayman, Larry) (Entered: 06/04/2015)
06/04/2015	<a href="#">69</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 6/5/2015 05:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 06/04/2015)
06/04/2015	70	ENDORSED ORDER re <a href="#">69</a> Notice of Hearing by Attorney filed by DENNIS L. MONTGOMERY. Although the hearing is noticed as a telephone hearing, any party or their counsel is free to appear in person, <i>regardless</i> of whether opposing counsel participates by telephone or is also here in person. Signed by Magistrate Judge Jonathan Goodman on 6/4/2015. (JG) (Entered: 06/04/2015)
06/04/2015	71	ENDORSED ORDER re <a href="#">69</a> Discovery Hearing scheduled for 6/5/2015 at 5:30 PM. As noted in the previous 70 Order, any counsel is free to appear in person for the hearing; however, for counsel appearing telephonically, the following call-in instructions apply:  Counsel shall contact the Court at 5:25 PM by: 1. Dialing 1-888-684-8852; 2. Entering Access Code Number 8004594, followed by the # sign; and 3. Entering Security Code Number 1213, followed by the # sign. No cellular telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman on 6/4/2015. (tr00) (Entered: 06/04/2015)
06/05/2015	72	PAPERLESS MINUTE ENTRY for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 6/5/2015. Appearances: Larry Klayman, Esq; Laura R. Handman, Esq; Micah Ratner, Esq. Order to Follow. (Digital 18:00:45.) (mno) (Entered: 06/05/2015)
06/08/2015	<a href="#">73</a>	Unopposed MOTION for Leave to File Excess Pages <i>for Reply in Support of Motion to Dismiss or Transfer</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 06/08/2015)
06/08/2015	<a href="#">74</a>	POST DISCOVERY HEARING ORDER re June 5, 2015 Hearing. Signed by Magistrate Judge Jonathan Goodman on 6/8/2015. (tr00) (Entered: 06/08/2015)
06/09/2015	75	PAPERLESS ORDER granting <a href="#">73</a> Defendants' Unopposed Motion for Leave to Exceed Page Limit for their Reply in Support of their Motion to Dismiss or Transfer. Defendants James Risen, Houghton Mifflin Harcourt Publishing company, and Houghton Mifflin Harcourt Company may exceed the page limitation for their upcoming reply memorandum in support of their Motion to

		Dismiss or Transfer [ECF No. 52] by ten (10) pages. Signed by Judge Jose E. Martinez on 6/9/2015. (jht) (Entered: 06/09/2015)
06/10/2015	<a href="#">76</a>	REPLY to Response to Motion re <a href="#">55</a> MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 06/10/2015)
06/11/2015	<a href="#">77</a>	REPLY to Response to Motion re <a href="#">52</a> MOTION to Dismiss for Lack of Jurisdiction <a href="#">44</a> Amended Complaint MOTION to Change Venue MOTION TO DISMISS <a href="#">44</a> Amended Complaint FOR FAILURE TO STATE A CLAIM filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 06/11/2015)
06/15/2015	<a href="#">78</a>	TRANSCRIPT of discovery hearing held on 6-5-2015 before Magistrate Judge Jonathan Goodman, 1-19 pages, Court Reporter: Dawn Whitmarsh, 305-523-5598 / Dawn_Whitmarsh@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/9/2015. Redacted Transcript Deadline set for 7/20/2015. Release of Transcript Restriction set for 9/17/2015. (dwh) (Entered: 06/15/2015)
06/30/2015	<a href="#">79</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 7/10/2015 03:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Attachments: # <a href="#">1</a> Exhibit A -- Proposed Protective Order) (Toth, Brian) (Entered: 06/30/2015)
06/30/2015	80	<p>ORDER re <a href="#">79</a> Notice of Hearing by Attorney filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC.</p> <p>Defendants have noticed a discovery hearing for July 10, 2015, and they described the dispute as whether a proposed protective order should be entered. The certificate of conferral reveals that Plaintiff does not agree.</p> <p>This is an atypical discovery hearing concerning protective orders similar to the proposed one which Defendants attached to their notice. Usually, the parties <i>stipulate</i> to the entry of a protective order concerning confidentiality of information and documents obtained in discovery. In some instances, the parties agree in general on the concept of a protective order but might disagree as to one or two (of many) provisions. But this dispute appears to be one where some parties (i.e., the Defendants) want a protective order but the other side (i.e., the Plaintiff) does not. This is unusual, and it may well be the first time in five years that the Undersigned has been confronted with this scenario (assuming that Plaintiff opposes any type of protective order).</p> <p>Given the nature of the underlying lawsuit and the media status of the Defendants, the Court would like to review memoranda of law <u>before</u> the hearing. Therefore, Plaintiff and Defendants shall each (by July 8, 2015) file a memorandum of law, not to exceed five double-spaced pages (excluding</p>

		signature block and certificate of service), on the relevant legal issues underlying each side's position. The Undersigned will not consider any case law or other authority not mentioned in the pre-hearing memoranda.  The Undersigned anticipates that the memoranda will help avoid any undue delay in issuing a ruling. Signed by Magistrate Judge Jonathan Goodman on 6/30/2015. (JG) (Entered: 06/30/2015)
07/06/2015	81	PAPERLESS PRETRIAL ORDER - FILED IN WRONG CASE. (mg00) Removed text Order on 7/6/2015 due to an error made by another Judges chamber, filed in the wrong case and signed by the wrong Judge. See DE 82 for details. (mf). (Entered: 07/06/2015)
07/06/2015	82	Clerks Notice of Docket Correction re 81 Paperless Pretrial Order. <b>Docket entry Filed in Wrong Case</b> ; Docket text modified and Pretrial Order refiled in correct case. (mf) (Entered: 07/06/2015)
07/08/2015	<a href="#">83</a>	MEMORANDUM of Law re 80 Order,,,,,, by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1)(Klayman, Larry) (Entered: 07/08/2015)
07/08/2015	<a href="#">84</a>	MEMORANDUM in Support re 80 Order,,,,,, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Toth, Brian) (Entered: 07/08/2015)
07/09/2015	<a href="#">85</a>	Joint MOTION for Leave to Appear <i>Telephonically at the Hearing Scheduled before Judge Goodman on July 10, 2015, at 3:30 p.m.</i> . Attorney: <i>Larry E. Klayman and Laura R. Handman</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 7/27/2015 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 07/09/2015)
07/09/2015	86	ENDORSED ORDER granting the Joint <a href="#">85</a> Motion for Leave to Appear Telephonically, but doing so <b>reluctantly</b> , because of the Court's experience with other telephone hearings in this case. The attorneys participating by phone shall remember to make sure not to interrupt anyone before speaking and to pause for a second or two before speaking, in order to make sure that his or her comments are not interrupting the current speaker. If the telephone hearing turns out to be one filled with interruptions, then the Undersigned will not permit any further telephone hearings in this case absent compelling circumstances bordering on a genuine emergency. Counsel's status as an out-of-town attorney or as someone currently on travel will not be deemed to be compelling.  Furthermore, counsel are encouraged to not wait until the afternoon before the hearing to file this type of motion. The hearing was scheduled on June 30, 2015, and counsel surely knew their own schedules before this afternoon.  Nonetheless, the parties shall abide the following call-in procedure: Counsel shall contact the Court shortly before the Hearing by: 1. Dialing 1-888-684-8852; 2. Entering Access Code Number 8004594, followed by the # sign; and 3. Entering Security Code Number 1213 followed by the # sign. No cellular



		telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman (tr00) (Entered: 07/09/2015)
07/10/2015	<a href="#">87</a>	SUPPLEMENT to <a href="#">83</a> Memorandum by DENNIS L. MONTGOMERY (Attachments: # <a href="#">1</a> Exhibit 1)(Klayman, Larry) (Entered: 07/10/2015)
07/10/2015	88	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 7/10/2015. (Digital 15:39:20.) (mso) (Entered: 07/10/2015)
07/13/2015	<a href="#">89</a>	PROTECTIVE ORDER CONCERNING CONFIDENTIAL INFORMATION. Signed by Magistrate Judge Jonathan Goodman on 7/13/2015. (tr00) (Entered: 07/13/2015)
07/20/2015	<a href="#">90</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 8/7/2015 03:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Attachments: # <a href="#">1</a> Exhibit A -- Defs.' Discovery Requests, # <a href="#">2</a> Exhibit B -- Pl.'s Written Responses (Redacted)) (Toth, Brian) (Entered: 07/20/2015)
07/20/2015	91	<p>ENDORSED ORDER re <a href="#">90</a> Notice of Hearing by Attorney, filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC.</p> <p>In their notice of hearing, Defendants suggest that the Court would benefit from reviewing pre-hearing memoranda not to exceed five pages on the "principal points of contention and uncommon legal issues." Although the Undersigned will grant this request and require pre-hearing memoranda, the Defendants' request does not sufficiently pinpoint the legal issues, especially the generic "uncommon legal issues" which they anticipate will be discussed in the memoranda.</p> <p>Therefore, Defendants shall by July 22, 2014, file a notice specifically listing the precise legal issues which they believe should be addressed in the memoranda. If Plaintiff has any additional issues which he believes would be helpful to the Court at the August 7, 2015 discovery hearing, then he may file his own list of supplemental issues by July 24, 2014. The parties shall file their respective memoranda on the listed issues by August 4, 2015.</p> <p>A final point:</p> <p>Obviously, a five-page memorandum will not be sufficient to adequately address more than a few specifically designated issues. Because the Undersigned is not sufficiently familiar with the nuances of the present discovery dispute, I am reluctant to provide a cap on the number of issues. However, the Undersigned expects the parties to be reasonable and responsible and not list too many issues for a 5-page memorandum. If the list (or lists, assuming that Plaintiff also files one) contains too many issues, then the Court will not review either memo. Signed by Magistrate Judge Jonathan Goodman on 7/20/2015. (JG) (Entered: 07/20/2015)</p>
07/22/2015	<a href="#">92</a>	

		NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re 91 Order,,,,,, of <i>Legal Issues to Address in Pre-Hearing Memorandum</i> (Toth, Brian) (Entered: 07/22/2015)
07/24/2015	<a href="#">93</a>	Notice of Supplemental Authority re <a href="#">55</a> MOTION to Stay <i>Discovery Pending Resolution of Their Motions to Dismiss</i> by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # <a href="#">1</a> Supplement Order Granting Motion to Stay) (Toth, Brian) (Entered: 07/24/2015)
08/04/2015	<a href="#">94</a>	MEMORANDUM of Law re 91 Order,,,,,, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 11)(Toth, Brian) (Entered: 08/04/2015)
08/04/2015	<a href="#">95</a>	Consent MOTION To Appear Telephonically at Hearing of August 7, 2015 re 91 Order,,,,,, by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 08/04/2015)
08/04/2015	<a href="#">96</a>	MEMORANDUM of Law re 91 Order,,,,,, by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1)(Klayman, Larry) (Entered: 08/04/2015)
08/05/2015	97	ENDORSED ORDER continuing Discovery Hearing [ECF No. <a href="#">90</a> ]. Due to an urgent medical matter, the Undersigned must continue the discovery hearing scheduled for 8/7/2015 at 3:30 PM. The hearing will be rescheduled at a later date after the Undersigned's chambers confers with the parties about future availability. Signed by Magistrate Judge Jonathan Goodman on 8/5/2015. (tr00) (Entered: 08/05/2015)
08/05/2015	98	ENDORSED ORDER denying as moot the Consent <a href="#">95</a> Motion to Appear Telephonically at the Discovery Hearing on 8/7/2015. Signed by Magistrate Judge Jonathan Goodman on 8/5/2015. (tr00) (Entered: 08/05/2015)
08/10/2015	99	ENDORSED ORDER rescheduling <a href="#">90</a> Discovery Hearing originally scheduled for 8/7/2015. The hearing shall now be held on 8/27/2015 at 03:00 PM in the Miami Division before Magistrate Judge Jonathan Goodman. If the parties seek to have additional discovery issues heard (on top of those previously noticed in ECF No. <a href="#">90</a> , and briefed thereafter [See ECF Nos. 91 ; <a href="#">92</a> ; <a href="#">94</a> ; <a href="#">96</a> ]) at this hearing, they shall follow the <a href="#">48</a> discovery procedures order by conferring with opposing counsel, and if the matter is at an impasse, filing a supplemental Notice of Hearing with the Court that officially notices those matters to also be heard at the 8/27/2015 Discovery Hearing. Signed by Magistrate Judge Jonathan Goodman on 8/10/2015. (tr00) (Entered: 08/10/2015)
08/14/2015	<a href="#">100</a>	MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re <a href="#">48</a> Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C)(Toth, Brian) (Entered: 08/14/2015)
08/14/2015	101	

		ENDORSED ORDER <b>rescheduling</b> Discovery Hearing from 8/27/2015 at 03:00 PM to <b>8/21/2015 03:30 PM</b> in the Miami Division before Magistrate Judge Jonathan Goodman. Due to internal scheduling issues, the Court must reschedule this Discovery Hearing to Friday, August 21, 2015 at 3:30 PM. Signed by Magistrate Judge Jonathan Goodman on 8/14/2015. (tr00) (Entered: 08/14/2015)
08/14/2015	<a href="#">102</a>	RESPONSE to Motion re <a href="#">100</a> MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re <a href="#">48</a> Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,,,,, filed by DENNIS L. MONTGOMERY. Replies due by 8/24/2015. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Klayman, Larry) (Entered: 08/14/2015)
08/17/2015	<a href="#">103</a>	Notice of Supplemental Authority re <a href="#">94</a> Memorandum, by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # <a href="#">1</a> Exhibit 1 -- Pl.'s Emergency Mot. Stay Pending Appeal, # <a href="#">2</a> Exhibit 2 -- Nev. D. Ct. Transcript) (Toth, Brian) (Entered: 08/17/2015)
08/17/2015	<a href="#">104</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 8/21/2015 03:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 08/17/2015)
08/21/2015	<a href="#">105</a>	RESPONSE to Motion re <a href="#">100</a> MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re <a href="#">48</a> Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,,,,, filed by DENNIS L. MONTGOMERY. Replies due by 8/31/2015. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Klayman, Larry) (Entered: 08/21/2015)
08/21/2015	106	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 8/21/2015. Parties present: Plaintiff's attorney Larry E. Klayman and Defendant's attorneys Laura R. Handman and Brian W. Toth. (Digital 15:25:26.) (mso) (Entered: 08/21/2015)
08/22/2015	<a href="#">107</a>	POST-DISCOVERY HEARING ORDER re Discovery Hearing on 8/21/2015. Signed by Magistrate Judge Jonathan Goodman on 8/22/2015. (tr00) (Entered: 08/22/2015)
08/26/2015	<a href="#">108</a>	NOTICE by DENNIS L. MONTGOMERY re <a href="#">107</a> Order of Filing (Attachments: # <a href="#">1</a> Exhibit 1) (Klayman, Larry) (Entered: 08/26/2015)
08/27/2015	<a href="#">109</a>	NOTICE by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re <a href="#">107</a> Order of Filing Declaration of James Risen (Attachments: # <a href="#">1</a> Exhibit 1 -- Decl. James Risen) (Toth, Brian) (Entered: 08/27/2015)
08/28/2015	<a href="#">110</a>	TRANSCRIPT of Discovery Hearing held on 8/21/2015 before Magistrate Judge Jonathan Goodman, 1-98 pages, Court Reporter: Bonnie Joy Lewis, R.P.R., 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through

		PACER. Redaction Request due 9/21/2015. Redacted Transcript Deadline set for 10/1/2015. Release of Transcript Restriction set for 11/30/2015. (amb) (Additional attachment(s) added on 8/28/2015: # <a href="#">1</a> Designation Access Form) (amb). (Entered: 08/28/2015)
08/31/2015	<a href="#">111</a>	REPLY in Support re <a href="#">100</a> MOTION to Modify Scheduling Order and Request for Hearing for August 17 or August 18 re <a href="#">48</a> Order, Order Referring Case to Mediation, Set/Reset Deadlines/Hearings, Order Referring Case to Judge,,,,,,,,, filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Attachments: # <a href="#">1</a> Exhibit A -- August 21 Hr'g Tr., # <a href="#">2</a> Exhibit B -- August 19 Tr.)(Toth, Brian) Modified title text on 9/1/2015 (asl). (Entered: 08/31/2015)
08/31/2015	<a href="#">112</a>	MOTION to Stay Implementation Of Paragraph 5 Of Magistrates Order Of August 22, 2015 re <a href="#">107</a> Order by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Text of Proposed Order) (Klayman, Larry) Modified relief on 9/1/2015 (asl). (Entered: 08/31/2015)
09/01/2015	113	ENDORSED ORDER re <a href="#">112</a> Plaintiff's Motion to Stay Implementation of Paragraph 5 of Court's <a href="#">107</a> Order. Defendants shall, by 9/3/2015 at 12:00 PM, file a response of no more than two double-spaced pages, excluding signature block and certificate of service. No reply permitted absent further Court Order. Signed by Magistrate Judge Jonathan Goodman on 9/1/2015. (tr00) (Entered: 09/01/2015)
09/01/2015	<a href="#">114</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 9/11/2015 05:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Toth, Brian) (Entered: 09/01/2015)
09/01/2015	<a href="#">115</a>	MOTION for Leave to File <i>Surreply</i> by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 09/01/2015)
09/02/2015	116	PAPERLESS ORDER denying <a href="#">115</a> Motion for Leave to File Surreply and Other Related Materials. Signed by Judge Jose E. Martinez on 9/2/2015. (jht) (Entered: 09/02/2015)
09/02/2015	<a href="#">117</a>	UNOPPOSED MOTION to Seal by James Risen, et al (nc) (Entered: 09/02/2015)
09/02/2015	<a href="#">118</a>	NOTICE of Supplemental Authority Concerning Defendants' Motion to Dismiss or Transfer by James Risen, et al (Attachments: # <a href="#">1</a> Exhibit 1)(nc) Modified by Unsealing Document per <a href="#">148</a> Order on 10/14/2015 (nc). (Entered: 09/02/2015)
09/02/2015	<a href="#">119</a>	Notice of Supplemental Authority re <a href="#">52</a> MOTION to Dismiss for Lack of Jurisdiction <a href="#">44</a> Amended Complaint MOTION to Change Venue MOTION TO DISMISS <a href="#">44</a> Amended Complaint FOR FAILURE TO STATE A CLAIM by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN (Attachments: # <a href="#">1</a> Exhibit 1 -- Filed Under Seal, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9) (Toth, Brian) (Entered: 09/02/2015)

09/02/2015	<a href="#">120</a>	MOTION for Hearing ( <i>Expedited</i> ) Before Judge Martinez by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 09/02/2015)
09/03/2015	<a href="#">121</a>	RESPONSE in Opposition re <a href="#">112</a> Motion to Stay filed by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Replies due by 9/14/2015. (Toth, Brian) (Entered: 09/03/2015)
09/03/2015	<a href="#">122</a>	ORDER denying Plaintiff's <a href="#">112</a> Motion to Stay One Paragraph of a Discovery Order. Signed by Magistrate Judge Jonathan Goodman on 9/3/2015. (tr00) (Entered: 09/03/2015)
09/04/2015	<a href="#">123</a>	UPDATED DISCOVERY PROCEDURES ORDER. From this point forward, the parties shall follow the attached updated discovery procedures. Signed by Magistrate Judge Jonathan Goodman on 9/4/2015. (tr00) (Entered: 09/04/2015)
09/04/2015	<a href="#">124</a>	ORDER Granting <a href="#">117</a> Unopposed Motion to Seal. Signed by Judge Jose E. Martinez on 9/4/2015. (See Order for full details) (nc) (Entered: 09/04/2015)
09/04/2015	<a href="#">125</a>	RESPONSE/REPLY to <a href="#">107</a> Order <i>Objection to Portions of Magistrate Judge's Order of August 22, 2015</i> by DENNIS L. MONTGOMERY. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5)(Klayman, Larry) (Entered: 09/04/2015)
09/09/2015	<a href="#">126</a>	Letter from FBI General Counsel. The Undersigned's e-file inbox was copied on this Letter from FBI General Counsel James Baker to defense counsel Larry Klayman that was sent in response to a letter that the Undersigned <a href="#">107</a> Ordered Defendant send to the FBI. Attachment #1 is the email to which the PDF of the letter was attached. (Attachments: # <a href="#">1</a> Email containing letter) (tr00) (Entered: 09/09/2015)
09/09/2015	<a href="#">127</a>	NOTICE by DENNIS L. MONTGOMERY re <a href="#">126</a> Letter, of <i>Filing of Declarations</i> (Klayman, Larry) (Entered: 09/09/2015)
09/09/2015	<a href="#">128</a>	Joint MOTION for Leave to Appear <i>Telephonically at the Hearing Scheduled before Judge Goodman on September 11, 2015, at 5:30 p.m.</i> . Attorney: Larry E. Klayman and Laura R. Handman by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. Responses due by 9/28/2015 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 09/09/2015)
09/10/2015	129	ENDORSED ORDER granting <a href="#">128</a> Motion for Leave to Appear Telephonically at the Discovery Hearing -- but with a caveat. Counsel for both Plaintiff and Defendants have at times interrupted each other and the Undersigned during hearings. The negative consequences arising from mid-hearing interruptions are magnified during a telephone hearing because of the brief built-in audio delay. The likelihood of interruptions is increased when counsel are participating by telephone. Therefore, counsel are encouraged to speak slowly and to wait before speaking, to make sure that opposing counsel and/or the Court have finished speaking. If counsel are unable to do this, whether by design or an inability to control themselves, then counsel will lose the privilege of attending a hearing in this case by telephone, the hearing will



		be adjourned and will be rescheduled as an in-person hearing and all future hearings before the Undersigned in this case will be in-person hearings. Signed by Magistrate Judge Jonathan Goodman on 9/10/2015. (tr00) (Entered: 09/10/2015)
09/10/2015	130	PAPERLESS ORDER denying <a href="#">55</a> Defendants' Motion to Stay Discovery Pending Resolution of Their Motions to Dismiss. Signed by Judge Jose E. Martinez on 9/10/2015. (jht) (Entered: 09/10/2015)
09/10/2015	131	PAPERLESS ORDER granting in part and denying in part <a href="#">100</a> Defendants' Motion to Modify Scheduling Order and Request for Hearing for August 17 or August 18 as set forth herein. Defendants' motion is DENIED AS MOOT in that the Court did not scheduling a hearing for August 17 or August 18. The motion is GRANTED in that the Court's Order Setting Civil Trial Date and Pretrial Schedule, Requiring Mediation, and Referring Certain Motions to Magistrate Judge [ECF No. 48] (the "Scheduling Order") shall be modified as follows. The previous trial and calendar call dates are CANCELLED. Trial is RESCHEDULED to commence during the two-week period beginning Monday, March 21, 2016 before Jose E. Martinez, United States District Judge, 400 N. Miami Ave., Suite 10-1, Miami, Florida 33128. Calendar Call will be held on Thursday, March 17, 2016 at 1:30 p.m. at the same location. All motions for an enlargement of time for discovery and relating to dispositive motions must include a statement as to whether the requested extension will affect the trial date or any other deadline set forth in this timeline. Failure to include such a statement may be grounds for denial of the motion without further warning. The Scheduling Order is modified as follows: (1) all discovery, including expert discovery, shall be completed on or before 11/19/15; (2) a mediator must be selected on or before 11/23/15; (3) all Daubert, summary judgment, and other dispositive motions must be filed on or before 12/14/15 (in the event that there are any unresolved discovery motions pending fifteen days prior to this date, the moving party shall immediately advise the Court of all such unresolved motions together with their status); (4) mediation shall be completed on or before 1/21/16; (5) all pretrial motions and memoranda of law, such as motions in limine, must be filed on or before 2/5/16; (6) joint pretrial stipulation must be filed on or before 3/1/16; (7) proposed joint jury instructions, proposed joint verdict form, and/or proposed findings of fact and conclusions of law must be filed on or before 3/14/16; (8) proposed voir dire questions must be filed on or before 3/16/16; (9) deposition designations must be filed on or before 3/17/16. The Court's Scheduling Order shall otherwise remain in full force and effect and, absent compelling circumstances, this schedule shall not be modified. This Order shall affect no other deadlines. Signed by Judge Jose E. Martinez on 9/10/2015. (jht) (Entered: 09/10/2015)
09/10/2015	132	PAPERLESS ORDER denying <a href="#">120</a> Defendants' Motion for Expedited Status Conference Before Judge Martinez. Signed by Judge Jose E. Martinez on 9/10/2015. (jht) (Entered: 09/10/2015)
09/10/2015	<a href="#">133</a>	SUPPLEMENT to <a href="#">119</a> Notice of Supplemental Authority,, <i>Plaintiff's Opposition to Defendants' Notice of Supplemental Authority</i> by DENNIS L.

		MONTGOMERY (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 3)(Klayman, Larry) (Entered: 09/10/2015)
09/11/2015	134	ENDORSED ORDER re 129 Order granting motion to appear telephonically. Counsel shall contact the Court through the following call-in procedures: 1. Dialing 1-888-684-8852; 2. Entering Access Code Number 8004594, followed by the # sign; and 3. Entering Security Code Number 1213, followed by the # sign. No cellular telephone use is permitted. Signed by Magistrate Judge Jonathan Goodman on 9/11/2015. (tr00) (Entered: 09/11/2015)
09/11/2015	135	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 9/11/2015. (Digital 17:32:22.) (mso) (Entered: 09/11/2015)
09/14/2015		Reset Deadlines/Hearings Discovery due by 11/19/2015. Mediation Deadline 1/21/2016. Dispositive Motions due by 12/14/2015. In Limine Motions due by 2/5/2016. Pretrial Stipulation due by 3/1/2016. Calendar Call set for 3/17/2016 01:30 PM in Miami Division before Judge Jose E. Martinez. Jury Trial set for 3/21/2016 in Miami Division before Judge Jose E. Martinez. Per 131 Order (yha) (Entered: 09/14/2015)
09/15/2015	<a href="#">136</a>	DISCOVERY HEARING ORDER re 135 Discovery Hearing on September 11, 2015. Signed by Magistrate Judge Jonathan Goodman on 9/15/2015. (tr00) (Entered: 09/15/2015)
09/15/2015	<a href="#">137</a>	Notification of Ninety Days Expiring by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN re <a href="#">52</a> MOTION to Dismiss for Lack of Jurisdiction <a href="#">44</a> Amended Complaint MOTION to Change Venue MOTION TO DISMISS <a href="#">44</a> Amended Complaint FOR FAILURE TO STATE A CLAIM filed by HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN, HMH HOLDINGS, INC. (Toth, Brian) (Entered: 09/15/2015)
09/15/2015	<a href="#">138</a>	SUPPLEMENT to <a href="#">133</a> Supplement by DENNIS L. MONTGOMERY (Attachments: # <a href="#">1</a> Exhibit 2)(Klayman, Larry) (Entered: 09/15/2015)
09/21/2015	<a href="#">139</a>	Unopposed MOTION to Unseal re <a href="#">117</a> MOTION to Seal by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 09/21/2015)
09/21/2015	<a href="#">140</a>	RESPONSE/REPLY to <a href="#">125</a> Response/Reply (Other), by HMH HOLDINGS, INC., HOUGHTON MIFFLIN HARCOURT PUBLISHING COMPANY, JAMES RISEN. (Toth, Brian) (Entered: 09/21/2015)
09/22/2015	141	Clerks Notice to Filer re <a href="#">139</a> Unopposed MOTION to Unseal re <a href="#">117</a> MOTION to Seal . <b>Sealed Document Filed Electronically</b> ; ERROR - The Filer failed to file a document related to a sealed document in the conventional paper format. It is not necessary to refile the document but future documents relating a sealed filings must be filed in the conventional paper format in accordance with the CM/ECF Administrative Procedures. (nc) (Entered: 09/22/2015)
09/28/2015	<a href="#">142</a>	

		NOTICE of Hearing by ATTORNEY: Miscellaneous Hearing set for 10/16/2015 04:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Toth, Brian) (Entered: 09/28/2015)
09/29/2015	<a href="#">143</a>	OBJECTION to Limited Portions of Magistrate Judge <a href="#">136</a> Order to District Court (Attachments: # <a href="#">1</a> Exhibit Order Appealed From, # <a href="#">2</a> Exhibit One example SEC Form 4 notice of trade, # <a href="#">3</a> Exhibit Table listing HMHC trades, # <a href="#">4</a> Exhibit Graph Showing Timeline of Trades, # <a href="#">5</a> Exhibit SEC Form 10-Q of Houghton Mifflin Harcourt Company)(Klayman, Larry) Modified text on 9/30/2015 (jua). (Entered: 09/29/2015)
09/30/2015	<a href="#">144</a>	SUPPLEMENT to <a href="#">143</a> OBJECTION of Magistrate Judge <a href="#">136</a> Order to District Court by DENNIS L. MONTGOMERY (Attachments: # <a href="#">1</a> Exhibit 1) (Klayman, Larry) (Entered: 09/30/2015)
10/06/2015	<a href="#">145</a>	TRANSCRIPT of Motion Hearing held on 9/11/2015 before Magistrate Judge Jonathan Goodman, 1-40 pages, Court Reporter: Carl Schanzleh, 305-523-5635. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/30/2015. Redacted Transcript Deadline set for 11/9/2015. Release of Transcript Restriction set for 1/7/2016. (Attachments: # <a href="#">1</a> Designation Access Form)(amb) (Entered: 10/06/2015)
10/12/2015	<a href="#">146</a>	Consent MOTION To Appear Telephonically at Hearing of October 16, 2015 re <a href="#">142</a> Notice of Hearing by Attorney by Dennis L. Montgomery. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Klayman, Larry) (Entered: 10/12/2015)
10/13/2015	<a href="#">147</a>	Unopposed MOTION for Leave to Appear <i>Telephonically at the Hearing Scheduled Before Judge Goodman on October 16, 2015, at 4:30 p.m.</i> . Attorney: <i>Laura R. Handman</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Responses due by 10/30/2015 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 10/13/2015)
10/14/2015	<a href="#">148</a>	ORDER Granting <a href="#">139</a> Unopposed Motion to Unseal. The Clerk shall UNSEAL the notice of supplemental authority [ECF No. 118] and the exhibit to the notice of supplemental authority [ECF No. 118-1] Signed by Judge Jose E. Martinez on 10/13/2015. (nc) (Entered: 10/14/2015)
10/14/2015	149	ENDORSED ORDER granting <a href="#">146</a> Unopposed Motion for Leave to Appear Telephonically; and granting <a href="#">147</a> Unopposed Motion for Leave to Appear Telephonically. Counsel Laura Handman and Larry Klayman may appear telephonically at the Discovery Hearing scheduled for October 16, 2015 at 4:30 PM. The call-in procedure is as follows: Five minutes before the hearing time, counsel shall (1) dial 1-888-684-8852; (2) enter Access Code Number 8004594, followed by the # sign; and (3) enter Security Code Number 1213, followed by the # sign. No cellular telephone use permitted. Signed by Magistrate Judge Jonathan Goodman on 10/14/2015. (tr00) (Entered: 10/14/2015)
10/14/2015	150	



		CLERK'S NOTICE of Compliance by Unsealing <a href="#">118</a> Notice of Supplemental Authority Concerning Defendants' Motion to Dismiss or Transfer pursuant to <a href="#">148</a> Order (nc) (Entered: 10/14/2015)
10/16/2015	151	Paperless Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 10/16/2015. (Digital 16:26:25.) (mso) (Entered: 10/16/2015)
10/16/2015	<a href="#">152</a>	RESPONSE in Opposition re <a href="#">143</a> OBJECTION of Magistrate Judge <a href="#">136</a> Order to District Court filed by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Replies due by 10/26/2015. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(Toth, Brian) (Entered: 10/16/2015)
10/19/2015	<a href="#">153</a>	NOTICE by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen <i>of Filing E-mail Exchange between Defendants' Counsel and the FBI</i> (Attachments: # <a href="#">1</a> Exhibit 1) (Toth, Brian) (Entered: 10/19/2015)
10/19/2015	<a href="#">154</a>	POST-DISCOVERY HEARING ADMINISTRATIVE ORDER. Signed by Magistrate Judge Jonathan Goodman on 10/19/2015. (tr00) (Entered: 10/19/2015)
10/20/2015	<a href="#">155</a>	NOTICE by Dennis L. Montgomery re <a href="#">154</a> <i>Order Of Filing And Consent Motion For Extension Of Time To File Motion To File Under Seal</i> (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Text of Proposed Order) (Klayman, Larry) (Entered: 10/20/2015)
10/21/2015	<a href="#">156</a>	MOTION for Leave to File Seal Dennis Montgomery (Attachments: # <a href="#">1</a> (See Supplemental Attachment(s) for Sealed Exhibits)(nc) (Entered: 10/21/2015)
10/21/2015	157	Clerk's Notice of Filing Deficiency Re: <a href="#">156</a> MOTION to Seal. Document(s) missing required original signature(s) (Fed.R.Civ.P. 11(a)). (nc) (Entered: 10/21/2015)
10/21/2015	<a href="#">158</a>	SUPPLEMENT to <a href="#">155</a> Notice (Other) by Dennis L. Montgomery (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Klayman, Larry) (Entered: 10/21/2015)
10/22/2015	<a href="#">159</a>	MOTION for Leave to File Under Seal by Dennis Montgomery (Attachments: # <a href="#">1</a> (See Supplemental Attachment(s) for Sealed Exhibits)(nc) (Entered: 10/22/2015)
10/22/2015	<a href="#">160</a>	SECOND MOTION for Leave to File Under Seal by Dennis Montgomery (nc) (Additional attachment(s) added on 10/22/2015: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2) (nc). (Entered: 10/22/2015)
10/22/2015	161	Clerk's Notice of Filing Deficiency Re: <a href="#">160</a> MOTION to Seal, <a href="#">159</a> MOTION to Seal. Document(s) missing required original wet signature(s) (Fed.R.Civ.P. 11(a)). (nc) (Entered: 10/22/2015)
10/23/2015	162	ENDORSED ORDER re Plaintiff's Motions for Leave to File Under Seal [ECF Nos. <a href="#">156</a> ; <a href="#">159</a> ; <a href="#">160</a> ]: Defendants shall, by October 30, 2015, file an omnibus response of no more than five double-spaced pages, excluding signature block and certificate of service. Plaintiff may, by November 4, 2015, file an omnibus

		optional reply of no more than two double-spaced pages, excluding signature block and certificate of service. Signed by Magistrate Judge Jonathan Goodman on 10/23/2015. (tr00) (Entered: 10/23/2015)
10/24/2015	<a href="#">163</a>	TRANSCRIPT of Discovery Hearing held on 10/16/2015 before Magistrate Judge Jonathan Goodman, 1-52 pages, Court Reporter: Stephen Franklin, 561-514-3768 / Stephen_Franklin@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/19/2015. Redacted Transcript Deadline set for 11/27/2015. Release of Transcript Restriction set for 1/25/2016. (sf) (Entered: 10/24/2015)
10/26/2015	<a href="#">164</a>	OBJECTION of Magistrate Judge <a href="#">154</a> Order to District Court <i>and Request to Stay</i> (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10)(Klayman, Larry) (Entered: 10/26/2015)
10/27/2015	<a href="#">165</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 11/4/2015 02:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 10/27/2015)
10/28/2015	<a href="#">166</a>	MEMORANDUM of Law <i>in Support of Their Motion for Sanctions</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6)(Toth, Brian) (Entered: 10/28/2015)
10/30/2015	<a href="#">167</a>	RESPONSE in Opposition re <a href="#">156</a> MOTION to Seal, <a href="#">160</a> MOTION to Seal, <a href="#">159</a> MOTION to Seal filed by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Replies due by 11/9/2015. (Toth, Brian) (Entered: 10/30/2015)
11/02/2015	<a href="#">168</a>	Joint MOTION for Leave to Appear <i>Telephonically at November 4, 2015, Hearing Before Judge Goodman</i> . Attorney: <i>Larry E. Klayman and Micah J. Ratner</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. Responses due by 11/19/2015 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Toth, Brian) (Entered: 11/02/2015)
11/02/2015	<a href="#">169</a>	<p>ENDORSED ORDER granting <a href="#">168</a> Motion for Leave to Appear Telephonically at Discovery Hearing on November 4, 2015. The call-in procedure is as follows: Five minutes before the hearing time, counsel shall (1) dial 1-888-684-8852; (2) enter Access Code Number 8004594, followed by the # sign; and (3) enter Security Code Number 1213, followed by the # sign. No cellular telephone use permitted.</p> <p>However, the parties shall note the following: When counsel's office called the Undersigned's chambers to schedule this hearing, it was noted that the Court's general policy is that for any discovery hearing expected to last more than 30 minutes, the Undersigned expects all counsel to appear <b>in person</b>. It is difficult to predict with certainty whether the issues flagged for the hearing will last more than 30 minutes, but, if the parties predict that more than 30 minutes is needed, then they shall appear in person or reschedule the hearing. If the</p>

		parties appear by telephone, then the Court will end the hearing after 30 minutes, whether we have completed all the issues or not. Signed by Magistrate Judge Jonathan Goodman on 11/2/2015. (tr00) (Entered: 11/02/2015)
11/02/2015	<a href="#">170</a>	NOTICE by Dennis L. Montgomery re <a href="#">166</a> Memorandum, <i>Praecipe</i> (Klayman, Larry) (Entered: 11/02/2015)
11/03/2015	<a href="#">171</a>	NOTICE of Hearing by ATTORNEY: Discovery Hearing set for 11/4/2015 02:30 PM in Miami Division before Magistrate Judge Jonathan Goodman. (Klayman, Larry) (Entered: 11/03/2015)
11/04/2015	<a href="#">172</a>	NOTICE by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen re <a href="#">171</a> Notice of Hearing by Attorney of <i>Objection</i> (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E) (Toth, Brian) (Entered: 11/04/2015)
11/04/2015	<a href="#">173</a>	NOTICE by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen re <a href="#">165</a> Notice of Hearing by Attorney of <i>Filing Order Denying Motion to Compel Compliance with Subpoena to Michael Flynn</i> (Attachments: # <a href="#">1</a> Order Denying Motion to Compel Compliance with Subpoena to Michael Flynn) (Toth, Brian) (Entered: 11/04/2015)
11/04/2015	174	Minute Entry for proceedings held before Magistrate Judge Jonathan Goodman: Discovery Hearing held on 11/4/2015. APPEARANCES: For Defendants: Laura Handman, Micah Ratner, Brian Toth. For Plaintiff: Larry Klayman (Digital 14:27:31.) (rby) (Entered: 11/05/2015)
11/05/2015	<a href="#">175</a>	POST-DISCOVERY HEARING ADMINISTRATIVE ORDER re November 4, 2015 Discovery Hearing. Signed by Magistrate Judge Jonathan Goodman on 11/5/2015. (tr00) (Entered: 11/05/2015)
11/12/2015	<a href="#">176</a>	RESPONSE/REPLY to <a href="#">164</a> OBJECTION of Magistrate Judge <a href="#">154</a> Order to District Court <i>and Request to Stay</i> by HMH Holdings, Inc., Houghton Mifflin Harcourt Publishing Company, James Risen. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2)(Toth, Brian) (Entered: 11/12/2015)
11/16/2015	<a href="#">177</a>	TRANSCRIPT of Discovery Hearing held on 11/4/2015 before Magistrate Judge Jonathan Goodman, 1-34 pages, Court Reporter: Bonnie Joy Lewis, 954-985-8875. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/10/2015. Redacted Transcript Deadline set for 12/21/2015. Release of Transcript Restriction set for 2/19/2016. (Attachments: # <a href="#">1</a> Designation Access Form)(amb) (Entered: 11/16/2015)
11/16/2015	<a href="#">178</a>	MEMORANDUM in Opposition re <a href="#">166</a> Memorandum, <i>For Motion for Sanctions</i> by Dennis L. Montgomery. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibit 3, # <a href="#">4</a> Exhibit 4, # <a href="#">5</a> Exhibit 5, # <a href="#">6</a> Exhibit 6, # <a href="#">7</a> Exhibit 7, # <a href="#">8</a> Exhibit 8, # <a href="#">9</a> Exhibit 9, # <a href="#">10</a> Exhibit 10, # <a href="#">11</a> Exhibit 11)(Klayman, Larry) (Entered: 11/16/2015)
11/17/2015	179	ENDORSED ORDER re <a href="#">166</a> Memorandum, filed by James Risen, Houghton Mifflin Harcourt Publishing Company, HMH Holdings, Inc.

		Defendants may by November 30, 2015 file an optional reply (of up to 10 double-spaced pages) in further support of their sanctions motion [ECF No. 166], replying to Plaintiff's opposition [ECF No. 178]. Signed by Magistrate Judge Jonathan Goodman on 11/17/2015. (JG) (Entered: 11/17/2015)
11/17/2015	<a href="#">180</a>	MOTION for Leave to File Under Seal by Dennis Montgomery (nc) (Additional attachment(s) added on 11/17/2015: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit A cont'd, # <a href="#">3</a> Exhibit A cont'd, # <a href="#">4</a> Exhibit B) (nc). (Entered: 11/17/2015)
11/17/2015	<a href="#">181</a>	MOTION for Extension of Time To Reset Discovery Deadline by Dennis L. Montgomery. Responses due by 12/4/2015 (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Text of Proposed Order)(Klayman, Larry) (Entered: 11/17/2015)
11/19/2015	<a href="#">182</a>	SUPPLEMENT to <a href="#">181</a> MOTION for Extension of Time To Reset Discovery Deadline by Dennis L. Montgomery (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2 (part 1), # <a href="#">3</a> Exhibit 2 (part 2))(Klayman, Larry) (Entered: 11/19/2015)

PACER Service Center			
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11/21/2015 11:12:55			
<b>PACER Login:</b>	km0393:2582106:0	<b>Client Code:</b>	WME-Bennett
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:15-cv-20782-JEM
<b>Billable Pages:</b>	19	<b>Cost:</b>	1.90

**B**

## With IMG Deal, WME Surpasses CAA in Size – But at What Cost?

| By [Sharon Waxman](#) and [Lucas Shaw](#) on December 18, 2013 @ 3:34 pm

The combined forces of WME and IMG create the largest agency in the space

With WME's acquisition of sports behemoth IMG on Wednesday, the Hollywood agency landscape has undergone a seismic change overnight — one that catapults the No. 2 talent representative past its rival CAA to become the largest in the industry.

The combined forces of WME (focused on Hollywood talent deals) and IMG (the largest sports agency in the world) creates the largest agency on the sports and entertainment landscape when measured by annual revenue and number of employees.

But at what cost?

Like Endeavor's 2009 takeover of William Morris, this is the minnow swallowing the whale — only more so. WME paid \$2.4 billion for IMG, far more than either agency is worth.

When private equity firm TPG Capital invested \$350 million in CAA in 2010, it valued the agency at more than \$1 billion.

Media reports put CAA's revenues at about \$300 million in 2010, and it has grown significantly since then. WME's current annual revenue falls shy of that, but not if you factor in IMG's annual revenue, which is north of \$1 billion.

In the area where the two agencies compete head to head – the entertainment industry — CAA remains dominant, with more major stars and talent in its stable than WME. CAA also surpasses IMG in negotiating athletes on-field deals, an area where Forbes recently ranked them first by a [wide margin](#).

Yet IMG is dominant in marketing and licensing deals for college sports, where CAA does not compete. It also has a robust business in sports television production, event management and fashion.

The combined WME-IMG will have more than 3,000 employees in cities around the world, compared with CAA's 1,500.

To carry the biggest stick on the block, WME's [Ari Emanuel](#) has had to borrow an estimated \$1 billion, leveraging the company in a way that will have huge ramifications for its agents and clients.

Much of the new company's annual cash flow will need to go to servicing that debt, meaning WME may have to divert money it makes representing [Christopher Nolan](#) and The Rock to finance the deal.

"They get one day to thump their chest, but they paid a lot for the privilege of thumping their chest," a prominent industry executive told [TheWrap](#).

Debt of that magnitude will exert tremendous pressure on WME's other businesses, namely its entertainment divisions.

"There will be a lot of partners and agents who are going to make a lot less money," the individual said.

“Some will wrap their head around getting equity in a bigger thing and decide it’s a good trade. But there will be a lot of people who make less for a long period of time.”

Some senior agents will have to decide whether they want to be agents or executives at a media company. Talent representation constitutes less than 10 percent of IMG’s business, and while WME says the two businesses will remain separate for now, some WME agents will certainly move over to IMG.

And while IMG is still growing, most consider it a mature company.

It may all be worth it to an ambitious builder who has been so focused on beating CAA that he wallpapered the Century City mall with [a mocking message earlier this year](#). Emanuel and his partner [Patrick Whitesell](#) have been locked in an arms race with CAA since the merger of Williams Morris and Endeavor in 2009.

“From WME’s perspective, it’s hard to grow beyond just an agency,” an executive familiar with IMG’s books told TheWrap. “IMG is an opportunity to get global in terms of scale and relevance. The challenging part is attention could be diverted from the core business. They have never run businesses like this.”